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Attorney for Plaintiffs  
**DEEPA PATEL**,  
**CALIFORNIA ONE**  
**HOSPITALITY, LLC**

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

DEEPA PATEL; CALIFORNIA  
ONE HOSPITALITY LLC,

Plaintiffs,

v

CITY OF STANTON, a municipal  
corporation; DOES 1-10 INCLUSIVE,

Defendants.

**Case No.:**

**COMPLAINT FOR  
DAMAGES AND  
DECLARATORY AND  
INJUNCTIVE RELIEF**

**[42 U.S.C. SECTION 1983 –  
VIOLATION OF CIVIL RIGHTS]**

**DEMAND FOR JURY TRIAL**

1 Plaintiffs DEEPA PATEL, CALIFORNIA ONE  
2 HOSPITALITY, LLC (collectively “Plaintiffs,” or individually “DP,” or  
3 “COH”) hereby file the following Complaint and state and allege as follows:

4 **JURISDICTION AND VENUE**

5 1. Jurisdiction of the federal court exists under 28 U.S.C. Sections 1331 and  
6 28 U.S.C. Section 1343(a)(3). This action which arises under the United States  
7 Constitution and laws of the United States, specifically the First, Fourth, Fifth and  
8 Fourteenth Amendments of the United States Constitution and involves violations of  
9 federal law actionable under 42 U.S.C. Section 1983. State Supplemental Jurisdiction  
10 exists under 28 U.S.C. Section 1367.  
11  
12

13 **PARTIES**

14 2. Plaintiffs are the legal and beneficial owners of a real property  
15 commonly known as the DIXIE ORANGE COUNTY (“Motel,” or “DOC”) located at  
16 11632 Beach Blvd., Stanton, CA 90680.  
17  
18

19 3. Defendant CITY OF STANTON, a municipal corporation,  
20 was at all times material herein an incorporated municipality in Orange County,  
21 CA, duly formed under the laws of the State of California. (“City,” or collectively  
22 with all other defendants “Defendants”).  
23

24 4. The true names and capacities, whether individual, corporate, associate  
25 or otherwise, herein named as Does 1 through 10, and persons heretofore  
26 unknown involved in the actions taken against the plaintiffs is unknown to them at  
27 this time. Plaintiffs are informed and believe and based thereon allege that each of  
28

1 the DOE defendants are responsible in some manner for the events herein referred  
 2 to, and that plaintiffs' injuries and damages as herein alleged were proximately  
 3 caused by those defendants. Plaintiffs sue said defendants by such fictitious names  
 4 on the grounds that the true names and capacities of said defendants are unknown  
 5 to them at this time. Plaintiffs will amend this complaint when the true names and  
 6 capacities of said Doe defendants are ascertained. Each reference in this complaint  
 7 to "defendant," defendants," or a specifically named defendant also refers to  
 8 defendants sued under their fictitious names.

### 9 **FACTS COMMON TO ALL CLAIMS**

10  
 11 7. Plaintiff DP is a successful real estate and motel developer who, along  
 12 with her family, has successfully operated DOC and other properties in the Southern  
 13 California area.

14 8. During the time that Plaintiffs have owned and operated DOC, they have  
 15 done so lawfully and in compliance with all local, state and federal laws.

16 9. On December 20, 2023, the City Planning Commission adopted Resolution  
 17 No. 2662, revoking Planning Commission Resolution No. 859 (which approved Precise  
 18 Plan of Design P-435) ("Permit"), in effect denying further operation of DOC as a  
 19 motel.

20 10. The revocation was oppressive and disproportionate, and in violation of due  
 21 process, as there was no evidence that Plaintiffs had ever been cited for criminal or  
 22 administrative fines in the past at the motel, except a recent dispute that gave rise  
 23 to an unfounded administrative citation regarding a gate that was placed in the front of

1 DOC by Plaintiffs at the request of the City and the Orange County Sheriffs Department  
2 (“OC Sheriffs”).

3  
4 11. The Planning Commission did not even consider alternative conditions  
5 in lieu of revocation, and revoked the permit in the first instance.

6  
7 12. The motel, has not and is not operating as a nuisance and the evidence  
8 used by the Planning Commission was unsubstantiated hearsay, and redacted police  
9 reports and calls for service in violation of Plaintiffs’ procedural due process rights.

10  
11 13. The revocation was also clearly retaliatory in violation of Plaintiffs’ First  
12 Amendment constitutional rights under the Petition and Grievances Clause. as  
13 Plaintiffs, have applied to the City to build an addition of 14 new units to the existing  
14 hotel which has 36 units. The project is entitled Site Plan and Design Review  
15 No. SPDR-816. (“Project”).

16  
17 14. As stated in paragraph 10 above, Plaintiffs placed a gate at the motel  
18 upon the request of the City and various City officials, including the OC Sheriffs which  
19 acts as a law enforcement agency for the City.

20  
21 15. Despite placing the gate at the request of the City, Plaintiffs were cited  
22 for an administrative citations by the City for placing the gate at DOC as a result  
23 of Plaintiffs complaining to the City, and City officials, that the City was making  
24 unfounded allegations that DOC was operating as a nuisance, with the City claiming  
25 among other matters that DOC was fostering criminal activity, and Plaintiffs further  
26 stating to the City, and City officials, that the City was using the unfounded claim  
27  
28

1 that the motel was operating as a nuisance as a basis to delay approval of the Project.

2 16. The motel is not in violation of any municipal, state or federal law.

3 17. The motel has never, and is not at present operated as a public nuisance  
4 under the ownership and operation of Plaintiffs.  
5

6 18. Plaintiffs appealed the administrative citation within the past two  
7 months and the City revocation proceeding by the City Planning Commission to  
8 revoke Planning Commission Resolution No. 859 immediately followed.  
9

10 19. In the course of issuing Plaintiffs the administrative citations on September  
11 28, 2023, listed as Citation Nos. AC007165, AC 005332, and AC007164 (collectively  
12 “Citations”), the City officials have threatened Plaintiffs with unfounded criminal  
13 Sanctions.  
14

15 20. Over the course of at least one year prior to the filing of this complaint,  
16 the City, and City officials, and the OC Sheriffs, have been entering the motel on a  
17 daily basis approximately three to five times a day, without a warrant or consent,  
18 harassing the motel guests, and at times blocking access to the motel, and even entering  
19 the locked guest units by force without a warrant or consent, and inspecting motel  
20 registration records without a warrant or consent.  
21

22 21. Further, at the December 20, 2023 City Planning Commission hearing on  
23 revoking the Permit to operate DOC, certain Planning Commission members made very  
24 deprecatory and unsubstantiated remarks against Plaintiffs’ counsel of record at the  
25 hearing,  
26  
27  
28

1           22. On January 2, 2024, Plaintiffs filed a timely appeal of the City Planning  
2 Commission decision to revoke the Permit for DOC to the City Council.

3           23. At the appeal hearing of the Citations, Plaintiffs requested that the  
4 administrative hearing officer, who is not a City employee, and was paid and  
5 unilaterally chosen by the City to hear the appeal without Plaintiffs' consent, to recuse  
6 himself based on an appearance of bias claim under the Due Process Clause of the  
7 Fourteenth Amendment of the United States Constitution.  
8

9           24. The administrative hearing officer refused to do so, and went on to conduct  
10 the hearing in several sessions, and on December 12, 2023, a decision was rendered  
11 by the hearing officer denying the appeal and found the Citations to be valid, this  
12 despite the fact that there was no valid evidence, supporting the Citations.  
13

14           25. The actions taken by the City, and the Defendants, and each of them. has  
15 also been done in order to transfer the motel to a third party developer at a reduced  
16 purchase price, as part of a City policy to close the motel.  
17

18           Based on the above facts, Plaintiffs allege the following claims.  
19

20                           **FIRST CLAIM OF RELIEF**

21                           **(Violation of 42 U.S.C. Section 1983 by All Plaintiffs**  
22                           **Against All Defendants)**  
23

24           26. Plaintiffs allege and incorporate herein by reference each and every  
25 allegation contained in paragraphs 1-25 above.  
26

27           27 Plaintiffs allege that in doing all of the things herein mentioned, the City  
28 and all of the defendants, and each of them, acted under color of the statutes, regulations,

1  
2 customs and usages of the City of Stanton and the State of California for  
3 purposes of “state action” and “color of law” under 42 U.S.C. Section 1983.

4           28. Plaintiffs further allege that in doing all of the things herein mentioned,  
5  
6 the City and all of the defendants, and each of them, violated and further threaten to  
7 violate the constitutional and civil rights of the Plaintiffs, in particular their individual  
8 rights under the First and Fourteenth Amendment of the United States Constitution  
9  
10 Petition and Grievances Clause; the Fourth and Fourteenth Amendment of the United  
11 States Constitution Search and Seizure Clause; the Fifth and Fourteenth Amendment of  
12 the United States Constitution Takings Clause; and the Fourteenth Amendment of the  
13  
14 United States Constitution Due Process Clause, both its substantive and procedural  
15 Components, and the Fourteenth Amendment of the United States Constitution Equal  
16 Protection Clause, in that similarly situated motels in the near vicinity of this motel,  
17  
18 do not have the interference with their business as does DOC.

19           29. Plaintiffs further allege that in doing all of the things herein mentioned,  
20  
21 the City, violated and further threaten to violate the constitutional and civil rights of  
22 the Plaintiff, as described in paragraphs 1-25 set forth herein, pursuant to the City’s  
23 official policy, custom or practice.

24           30. Individual Defendants are not entitled to any immunity, qualified or  
25  
26 otherwise, City whose identity are unknown now, are not entitled to qualified  
27 immunity.  
28





1           36.. By the City failing to give the required notice under California Code of  
2 Civil Procedure section 1094.6, or equivalent section therein, this claim is tolled under  
3 applicable California law, and is also equitably tolled under Ninth Circuit precedent.

4           WHEREFORE, Plaintiffs pray judgment against the Defendants, and  
5 each of them, as follows:

6                           **FIRST CLAIM FOR RELIEF**  
7

- 8           1. For damages according to proof at trial but  
9           believed to be not less than \$10,000,000.00;  
10          2. For appropriate declaratory and injunctive relief;  
11          3. For attorney's fees;

12                           **SECOND CLAIM FOR RELIEF**  
13

- 14          4 For a de novo hearing and vacating the City's denial of Plaintiffs' appeal  
15 and imposition of the Citations;

16                           **FOR ALL CLAIMS FOR RELIEF**  
17

- 18          5. For costs of suit;  
19          6. For such other and further relief as the Court deems proper.  
20

21 Dated: January 2, 2024

LAW OFFICES OF FRANK A. WEISER

22  
23 By: /s/ Frank A. Weiser

24                           FRANK A. WEISER, Attorney for  
25                           for Plaintiffs DEEPA PATEL,  
26                           CALIFORNIA ONE  
27                           HOSPITALITY, LLC  
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**DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a jury trial pursuant to F.R.C.P. 38.

Dated: January 2, 2024

LAW OFFICES OF FRANK A. WEISER

By: /s/ Frank A. Weiser

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FRANK A. WEISER, Attorney for  
for Plaintiffs DEEPA PATEL,  
CALIFORNIA ONE  
HOSPITALITY, LLC